

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEALS OF) APPEAL NOS. 06-A-2163, 06-A-
JAMES THOMAS from the decision of the) 2164, 06-A-2165, 06-A-2166, 06-A-
Board of Equalization of Bingham County for) 2167, 06-A-2168, and 06-A-2170
tax year 2006.) FINAL DECISION
) AND ORDER

RESIDENTIAL PROPERTY APPEAL

THESE MATTERS came on for hearing December 19, 2006, in Blackfoot, Idaho, before Presiding Officer David E. Kinghorn. Board Member Lyle R. Cobbs participated in this decision. Appellant James Thomas appeared for himself. Appraisers William Whitten and Lora Faler appeared for Respondent Bingham County. These appeals are taken from a decision of the Bingham County Board of Equalization (BOE) denying the protest of the valuation for taxing purposes of property described as Parcel Nos. RP1114800, RP1039900, RP1287700, RP1173600, RP1248900, RP1248100, AND RP1248800.

The issue on appeal is the market value of residential properties.

The decision of the Bingham County Board of Equalization is affirmed.

FINDINGS OF FACT

Parcel No. RP1114800

The assessed land value is \$11,513, and the improvements' valuation is \$5,760, other valuation is \$74,128, totaling \$91,401. Appellant requests the land value be left at \$11,513, the total improvements' value be left at \$5,760, and other valuation be reduced to \$65,600 for a total of \$82,873.

Subject is a three bedroom, one and one-half bath, single-family residence, and is Appellants primary residence.

Parcel No. RP1039900

The assessed land value is \$5,999, and the improvements' valuation is \$18,589, totaling \$24,588. Appellant requests the improvements' value be reduced to \$16,450, and the land value be left at \$5,999, totaling \$22,449.

The subject property is a two bedroom, one bathroom, residence, with 906 square feet and is currently used as a rental.

Parcel No. RP1287700

The assessed land value is \$8,154, and the improvements' valuation is \$40,761, totaling \$48,915. Appellant requests the improvements' value be reduced to \$36,072, and the land value be left at \$8,154, totaling \$44,226.

The subject property is a two bedroom, one bathroom, residence and is currently used as a rental.

Parcel No. RP1173600

The assessed land value is \$9,001, and the improvements' valuation is \$27,120, totaling \$36,121. Appellant requests the improvements' value be reduced to \$24,000, and the land value be left at \$9,001, totaling \$33,001.

The subject property is 936 square foot single-family residence, and is currently used as a rental.

Parcel No. RP1248900

The assessed land value is \$8,956, and the improvements' valuation is \$23,730, totaling \$32,686. Appellant requests the improvements' value be reduced to \$21,000, and the

land value be left at \$8,956, totaling \$29,956.

The subject property is a three bedroom, one bathroom, residence, with 1008 square feet and is currently used as a rental.

Parcel No. RP1248100

The assessed land value is \$8,014, and the improvements' valuation is \$18,476, totaling \$26,490. Appellant requests the improvements' value be reduced to \$16,350, and the land value be left at \$8,014, totaling \$24,364.

The subject property is a single-family residence, with 603 square feet and is currently used as a rental.

Parcel No. RP1248800

The assessed land value is \$8,956, and the improvements' valuation is \$37,234, totaling \$46,190. Appellant requests the improvements' value be reduced to \$32,950, and the land value be left at \$8,956, totaling \$41,906.

The subject property is a three bedroom, one bathroom, residence, with 837 square feet and is currently used as a rental.

Appellant and Respondent agreed to consolidate subject appeals into one hearing.

Appellant claimed assessed values continue to increase while rental income does not, resulting in an unreasonable tax burden. Appellant maintained the rents collected are insufficient to support the assessed values placed on subject properties.

Respondent stated that the Idaho State Tax Commission conducted a study of the ratio between sales prices and assessed values in Bingham county. The study indicated that

residential property values were not in compliance with Idaho's market value statutes. To be in compliance, the Assessor was required to trend assessed values upward and several exhibits were submitted to support the increase in subject assessments.

Respondent testified subject area assessments were trended up between 113% and 119%. The trends were supported with similar sales which took place in 2005. An exhibit included a map with the location of the subject and close proximity comparable sales noted.

Through a gross rent multiplier Respondent estimated properties in the area rented from \$350 to \$525 per month.

An additional exhibit demonstrated that sale/resale prices in subject area increased from 12% to 66% over a 17 to 34 month time frame and Respondent believed the properties were assessed fairly.

CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

Not only is assessment at market value prescribed but also the method of reaching market value.

Idaho Code § 63-314(5) Appraisal also includes collection, verification and analysis of market value sales, applicable income and expense data and building cost information, and application of this information to predict market value.

Three methods of appraisal are the income, cost, and market approaches to value. In the market approach, sales of similar property are compared with subject and market based adjustments are made to the sales to estimate a value for the subject.

Respondent's sales and market analysis supported the assessed values of subject properties.

Appellant did not offer any appraisal or other factual information to support the assessed value reductions claimed.

The Board finds that the assessed values of subject properties does not exceed market value, and the assessed values have not been demonstrated to be in error.

Idaho Code §63-511(4). Appeals from county board of equalization.

In any appeal taken to the board of tax appeals or the district court pursuant to this section, the burden of proof shall fall upon the party seeking affirmative relief to establish that the valuation from which the appeal is taken is erroneous, or that the board of equalization erred in its decision regarding a claim that certain property is exempt from taxation, the value thereof, or any other relief sought before the board of equalization. *A preponderance of the evidence shall suffice to sustain the burden of proof.* The burden of proof shall fall upon the party seeking affirmative relief and the burden of going forward with the evidence shall shift as in other civil litigation. The board of tax appeals or the district court shall render its decision in writing, including therein a concise statement of the facts found by the court and the conclusions of law reached by the court. The board of tax appeals or the court may affirm, reverse, modify or remand any order of the board of equalization, and shall grant other relief, invoke such other remedies, and issue such orders in accordance with its decision, as appropriate. *(Emphasis added.)*

The Appellant did not prove by a preponderance of evidence that the relief claimed was warranted. Therefore, this Board will affirm the decision of the Bingham County Board of

Equalization.

FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Bingham County Board of Equalization concerning the subject parcel be, and the same hereby is, **affirmed**.

DATED this 5th day of March , 2007.